

**UNITED STATES DEPARTMENT OF AGRICULTURE**

Farm Service Agency  
Washington, DC 20250

**Notice DAP-135**

**For:** Idaho State and County Offices

**2001 Idaho Oust Program (Oust Program)**

**Approved by:** Acting Deputy Administrator, Farm Programs



**1 Overview**

**A**

**Background**

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act of 2002 (Pub. L. 107-76) authorizes the Secretary to use not more than \$5 million of CCC funds to apply toward claims of crop damage, upon consultation with the Secretary of the Interior, that resulted from the Bureau of Land Management's (BLM) use of the herbicide Oust during the 2001 crop year in Idaho. Changes have recently been made to program provisions, CCC-559, and corresponding instructions.

**B**

**Purpose**

This notice obsoletes Notice DAP-133 to provide the following:

- payments under the Oust Program shall be subject to administrative offsets
- payment yields will be determined by STC
- payments will be issued through the Accounting Authorized Process
- revised CCC-559 and corresponding instructions.

**Disposal Date**

January 1, 2003

**Distribution**

Idaho State Office; State Office relays to County Offices

## Notice DAP-135

### 2 General Provisions

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#### A

##### **Program Funding**

Funding for the Oust Program is limited to \$5 million. If the total calculated value of eligible Oust applications exceeds the available funding, a national payment factor will be applied to payments issued to eligible producers.

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#### B

##### **Administrative Offset**

Payments under the Oust Program shall be subject to administrative offsets.

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#### C

##### **Gross Revenue and Payment Limitations**

There are no gross revenue or per "person" payment limitations under the Oust Program. Therefore, CCC-502 and CCC-562 are not required to be filed for producers to receive payments under the Oust Program.

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#### D

##### **HELC/WC Provisions**

As a condition to receive Oust benefits, a producer must have been in compliance with the HELC/WC provisions of 7 CFR Part 12 for the 2001 year.

Before payments are made, producers must:

- have AD-1026 on file, certifying compliance with HELC/WC provisions
  - meet applicable requirements in 6-CP.
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## Notice DAP-135

### 3 Program Provisions

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#### A

##### Application Period

STC shall determine the beginning signup date for the Oust Program. The application deadline will also be determined by STC. However, that date shall **not** be established until the regulation is published. STC will be notified at that time.

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#### B

##### Means of Application

CCC-559 must be submitted by the applicant, **by field**, to the County Office where the land is administratively located. The producer must file 1 application for each field.

Instructions for completing CCC-559 and an example of CCC-559 are in Exhibit 1.

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#### C

##### Payment Structure

Oust payments shall be based on the total eligible acres by field and the producer's share of the crop or crop proceeds, or if no crop was produced, the share the producer would have received if the crop had been produced.

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#### D

##### Loss Threshold

Oust benefits will be determined by field. Producers are eligible for Oust benefits when qualifying losses exceed 25 percent of the expected production for the crop on the field.

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#### E

##### Payment Rates and Yields

Oust Program payment rates are the payment rates used for the 2000 Crop Disaster Program (CDP) for the applicable crop. The yield will be determined by STC.

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#### F

##### Payment Formula

Oust benefits shall be made in an amount determined by multiplying 75 percent of the loss of production in excess of 25 percent of the expected production on eligible acreage on a field by the applicable crop payment rate.

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#### 4 Eligibility Provisions

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**A**

**Definition of  
Eligible Crops**

Eligible crops are crops planted in the 2001 crop year in Idaho that suffered damage because of Oust being sprayed on BLM rangeland.

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**B**

**Eligible Cause of  
Loss**

Oust payment provisions apply if crop production was adversely affected by using Oust on BLM rangeland during the 2001 crop year in Idaho.

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**C**

**Ineligible Causes  
of Loss**

Losses resulting from anything other than BLM's use of Oust are an ineligible cause of loss under the Oust Program. Eligible causes of loss cannot be the result of adverse weather conditions, poor management decisions, or poor farming practices.

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**D**

**Eligible Acreage**

Eligible acreage for a crop shall be calculated using the number of acres shown to have been planted to a crop on a field as provided on the applicable FSA-578 or FSA-578D's filed by the producer, excluding acreage enrolled by the producer in the 2001 Sugar Payment-in-Kind Diversion Program (2001 Sugar PIK Program).

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**E**

**Documenting  
Oust-Affected  
Crop**

To receive Oust benefits, COC must determine that because of Oust, the producer sustained a loss in production of a crop.

To determine eligible acreage (subparagraph D) was damaged by Oust, the producer must provide 1 of the following documentation:

- field inspection form compiled by a licensed crop consultant
- documentation from an independent crop consultant that indicates Oust damage
- positive soil test results that show the presence of Oust in the sample
- documentation from a University of Idaho Specialist that the acreage showed Oust damage.

CCC-559 shall **not** be approved without acceptable documentation substantiating the crop was affected by Oust.

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## Notice DAP-135

### 5 Production

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#### A

##### **Expected Production**

STC shall develop procedure and provide instructions to County Offices for determining each field's expected production.

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#### B

##### **Actual Production**

Actual production includes harvested, appraised, and assigned. STC shall develop procedure and provide instructions to County Offices for:

- assigning actual production to each field that does not have acceptable production evidence by field
  - accepting actual acceptable production records that document field-by-field production.
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### 6 Application Processing

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#### A

##### **Complete Application**

Applications must be filed on a field-by-field basis. One application shall be filed for each field for each producer on the farm.

A complete application includes the following:

- completed CCC-559
  - AD-1026
  - FSA-578 or FSA-578D
  - acceptable production evidence outlined in paragraph 5
  - acceptable documentation substantiating the crop was affected by Oust as provided in subparagraph 4 E.
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## 6 Application Processing (Continued)

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### B

#### CCC-559 Automated Application System

Applicants must complete an application, **by field**, in the County Office where the land is administratively located.

In a forthcoming notice, County Offices will be provided with the CCC-559 Automated Application System to generate automated CCC-559's and CCC-559A's.

Instructions for completing CCC-559A and an example of CCC-559A are in Exhibit 2.

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### C

#### Application Approval

COC shall review applications and required documentation to take the appropriate action to either approve or disapprove the applicant for program benefits.

If COC determines the application should be disapproved, County Offices shall immediately notify the producer of the disapproval. The letter to the producer shall include the following:

- notification that the Oust application was disapproved
  - reason or reasons for the disapproval
  - applicable appeal rights according to 1-APP.
- 

### D

#### Payment Authorization

After the ending date of the application period, County Offices shall provide the National Office with application data to determine a national payment factor for Oust Program benefits. Program payments will be issued through the Accounting Authorized Process. Instructions for providing application data to the National Office and making payments using the Accounting Authorized Process will be provided in a future notice.

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## Notice DAP-135

### 7 Required Action

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#### **A STC Responsibilities**

As soon as possible, STC shall:

- determine and announce the beginning signup date
  - provide guidelines to COC for determining expected, actual, and assigned production on a field-by-field basis
  - ensure that County Offices follow the provisions of this notice.
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#### **B COC Responsibilities**

COC shall immediately:

- publicize the contents of this notice
  - determine expected, actual, and assigned production on a field-by-field basis according to guidelines provided by STC
  - verify that potential Oust producers are in the 2001 name and address file. If a producer does not exist in the name and address file, the producer must be added to the name and address file through the Service Center Information Management System according to 1-CM.
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**CCC-559, 2001 Idaho Oust Program Application**


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**A****Completing  
CCC-559**

Follow this table to complete CCC-559.

<b>Item</b>	<b>Instructions</b>
1	Enter the producer's name and address, including the ZIP Code.
2	Enter the producer's ID number.
3 and 4	Enter the State and county codes for where the eligible acres are administered.
5A	Enter the 2001 farm serial numbers (FSN's) associated with the producer.
5B	Enter the tract number.
5C	Enter the field number.
<b>Part A - Appraisal or Report of Production</b>	
6	Enter the crop for which the application is being filed.
7	Enter the type or variety of crop as indicated on FSA-578 or FSA-578D.
8	Enter the intended use as indicated on FSA-578 or FSA-578D.
9	Enter either of the following for the practice as indicated on FSA-578 or FSA-578D: <ul style="list-style-type: none"> <li>• "I" for irrigated.</li> <li>• "N" for nonirrigated.</li> </ul>
10	Enter the producer's share as indicated on FSA-578 or FSA-578D.
11	Enter the acres on the field associated with the type/variety and practice. Exclude acres enrolled in the 2001 Sugar PIK Program.
12	Enter the actual harvested and/or appraised production for the field. Attach copies of date-stamped sales receipts to CCC-559.  Production shall be entered in the same unit of measure listed on the 2000 CDP county crop table.
13	COC shall enter assigned production, as applicable.

Continued on the next page



**CCC-559, 2001 Idaho Oust Program Application (Continued)**

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**A  
Completing  
CCC-559  
(Continued)**

Item	Instructions
<b>Part B - Remarks</b>	
14	Enter information necessary to document any loss, ineligible causes of loss, unusual practices or uses, or calculation used in documenting problem.
<b>Part D - Producer's Certification</b>	
15A and B	Producer shall sign and date.
16A, B, and C	COC or designee shall sign and date and indicate whether the action is approved or disapproved.
17	Enter the County Office's name, address, and telephone number, including the area code.

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Continued on the next page

## CCC-559, 2001 Idaho Oust Program Application (Continued)

B  
Example of  
CCC-559

This is an example of CCC-559.

**This form is available electronically.**

<b>CCC-559</b> (07-08-02)		<b>U.S. DEPARTMENT OF AGRICULTURE</b> Commodity Credit Corporation		<b>1. Producer Name and Address (Including (ZIP Code)</b>  H. Good 123 Goodland Drive Aberdeen, Idaho 54219			
<b>2001 IDAHO OUST PROGRAM APPLICATION</b>				<b>2. Producer Identification Number</b> 349-30-7721		<b>3. State Code</b> 16	<b>4. County Code</b> 077
				<b>5A. Farm Serial Number</b> 2010		<b>5B. Tract Number</b> 3020	<b>5C. Field Number</b> 1A

**NOTE:** The authority for collecting the following information is Pub. L. 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995.

The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the following information is the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2002, (Pub. L. 107-76). The information will be used to determine eligibility for program benefits. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in a determination of ineligibility. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided. **RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.**

**PART A - APPRAISAL OR REPORT OF PRODUCTION**

6 Crop	7 Crop Type	8 Intended Use	9 Practice	10 Share	11 Eligible Acres	12 Production	COC USE ONLY	
							13 Assigned Production	
Potato	WHT	Fh	I	.5	100	12000		

**PART B - REMARKS (Include information necessary to document any loss, ineligible causes of loss, unusual practices or uses, or calculation).**

14. Remarks

**PART C - PRODUCER'S CERTIFICATION**

I understand that USDA will be conducting spot-checks for this program and I authorize FSA access to any records held by elevators, contractors, processors, etc., or any other agency or organization maintaining records or other substantiating evidence for which I am basing this certification of production.

I certify that the crop listed in Part A, for which I am requesting benefits under the 2001 Idaho Oust Program, suffered damage that resulted from the Bureau of Land Management's (BLM) use of the herbicide Oust during the 2001 calendar year in the State of Idaho. I further certify that the cause of loss is solely due to Oust unless noted in the remarks section. I understand the COC will assign production for any loss of production not due to Oust.

I certify that I am aware that payments under the 2001 Idaho Oust Program are subject to the publication of a forthcoming Notice in the Federal Register, and that this Notice will be available for my inspection in the FSA county office.

I certify that the eligible acres listed in Part A, Item 11, DO NOT include acres that were enrolled in the 2001 Sugar PIK Program.

Furthermore, I certify that the information reported on this application is true and correct and understand that if any information is determined to be in error the application may be denied and may result in a determination of ineligibility in whole or in part.

<b>15A. PRODUCER'S SIGNATURE</b>  		<b>16A. SIGNATURE OF COC OR DESIGNEE</b>  		<b>17. NAME AND ADDRESS OF COUNTY FSA OFFICE (Including ZIP Code)</b>  Pouce County FSA 503 W. Oregon Trail American Falls, ID 83211  <b>TELEPHONE NO. (Area Code) (204) 226-5139</b>	
<b>15B. DATE SIGNED (MM-DD-YYYY)</b>  		<b>16B. DATE SIGNED (MM-DD-YYYY)</b>  			
		<b>16C. ACTION TAKEN</b> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved			

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**CCC-559A, 2001 Idaho Oust Program Payment Calculation Worksheet**

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**A****Completing  
CCC-559A**

Follow this table to complete CCC-559A.

<b>Item</b>	<b>Instructions</b>
1	Enter the producer's name and address from CCC-559, item 1.
2	Enter the producer's ID number from CCC-559, item 2.
3 and 4	Enter the State and county codes for where the farm is located from CCC-559, items 3 and 4.
5A	Enter the producer's 2001 FSN from CCC-559, item 5A.
5B	Enter the tract number from CCC-559, item 5B.
5C	Enter the field number from CCC-559, item 5C.
6	Enter the crop code corresponding with the crop name in CCC-559, item 6.
7	Enter the crop variety/type name or abbreviation from CCC-559, item 7.
8	Enter the intended use for the crop from CCC-559, item 8.
9	Enter the practice from CCC-559, item 9 for the specified crop type and intended use.
10	Enter the eligible acres for the field specified in item 5C, associated with the type/variety and practice from CCC-559, item 11.
11	Enter the producer's share from CCC-559, item 10 for the specified crop type.
12	Calculate the acreage attributable to the producer by multiplying: <ul style="list-style-type: none"> <li>• eligible acres recorded in item 10, times</li> <li>• producer's share recorded in item 11.</li> </ul>
13	Enter the expected production for the field as determined by COC.
14	Calculate the producer's Oust level by multiplying: <ul style="list-style-type: none"> <li>• result in item 12, times</li> <li>• expected yield in item 13, times</li> <li>• 75 percent.</li> </ul>

Continued on the next page

## CCC-559A, 2001 Idaho Oust Program Payment Calculation Worksheet (Continued)

**A**  
**Completing**  
**CCC-559A**  
**(Continued)**

Item	Instructions	
15	Determine the production for the producer according to the following.	
	<b>IF COC has...</b>	<b>THEN determine the producer's production by multiplying the following...</b>
	assigned production	<ul style="list-style-type: none"> <li>• COC-assigned production for the field from CCC-559, item 13, times</li> <li>• producer's share in item 11.</li> </ul>
	<b>not</b> assigned production	<ul style="list-style-type: none"> <li>• actual production for the field from CCC-559, item 12, times</li> <li>• producer's share in item 11.</li> </ul>
16	Determine the net production for payment by subtracting the following: <ul style="list-style-type: none"> <li>• Oust level determined in item 14, minus</li> <li>• production determined in item 15.</li> </ul>	
17	Enter the payment rate for the specified crop code, crop variety/type, and intended use from the 2000 CDP county crop table.	
18	Determine the calculated payment by multiplying the following: <ul style="list-style-type: none"> <li>• net production for payment determined in item 16, times</li> <li>• payment rate in item 17.</li> </ul>	
19	Enter remarks, if needed.	
20 and 21	Preparer shall sign and date.	

Continued on the next page

## CCC-559A, 2001 Idaho Oust Program Payment Calculation Worksheet (Continued)

B

Example of  
CCC-559A

This is an example of CCC-559A.

This form is available electronically.

<b>CCC-559A</b> (06-05-02)								U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation					
<b>2001 IDAHO OUST PROGRAM          PAYMENT CALCULATION WORKSHEET</b>								1. Producer's Name and Address (including Zip Code) E. Good 123 Goodland Drive Aberdeen, Idaho 54219					
								2. Producer's ID Number 349-30-7721		3. State Code 16		4. County Code 077	
								5A. Farm Serial Number 2010		5B. Tract Number 3020		5C. Field Number 1A	
6. Crop Code	7. Crop Type	8. Intended Use	9. Practice	10. Eligible Acres	11. Share	12. Producer Acres (Item 10 X Item 11)	13. Expected Yield	14. Oust Level (Item 12 X Item 13 X 75%)	15. Production (Including Assigned Production)	16. Net Production for Payment (Item 14 minus Item 15)	17. Pay Rate	18. Calculated Payment (Item 16 X Item 17)	
0084	WHT	Fh	I	1.00	.5	50	254	9525	6000	3525	4.30	\$ 15,158.00	
19. Remarks													
20. PREPARER'S SIGNATURE									21. DATE SIGNED				